REMARKS

Claims 28, 56 and 57 are amended. Claims 59-61 are newly added. Claims 28-61 are now active and under consideration in this application.

Restriction has been required under 35 USC 121 and 372 from among the following claim groups:

Group I, claim(s) 28 (in part, as far as section a) is concerned) 29 and 38, drawn to an ASAP contained in a medicinal product;

Group II, claim(s) 28, (in part, as far as section d-g) are concerned) 30, 41-42 and 44-45 drawn to a nucleic acid encoding an ASAP protein contained in medicinal product;

Group III, claim(s) 28, (in part, as far as section b) is concerned) 31 and 39 drawn to a peptide contained in a medicinal product;

Group IV, claim(s) 28, (in part, as far as section c) is concerned) 32 and 40 drawn to a monoclonal or polyclonal antibody capable of specifically recognizing an ASAP protein;

Group VI, claim(s) 33, drawn to a method of preparing an anti-mitotic medicinal product;

Group VII, claim(s) 34, drawn to a method of preparing a medicinal product for treating pathologies associated with disturbances in mitotic spindle organization or with induction of aberrant and abortive mitoses associated with over-expression of ASAP protein ;

Group VIII, claim(s) 35 and 36, drawn to a method of diagnosing pathological states or genetic diseases associated with disturbances in mitotic spindle organization or

cell division anomalies or both, which comprises probing for said states or diseases or both with a polynucleotide;

Group IX, claim(s) 37, drawn to a method of detecting or selecting cells or both exhibiting disturbances in mitotic spindle organization or induction of aberrant and abortive mitoses associated with over-expression of a protein, which comprises detecting or selecting cells using an antibody;

Group X, claim(s) 43, drawn to a primer for amplifying a polynucleotide;

Group XI, claim(s) 46 and 47, drawn to a non-human transgenic animal;

Group XII, claim(s) 48-50 and 53 drawn to a method for diagnosing a pathological state associated with disturbances in mitotic spindle organization or with cell division anomalies or both, which comprises determining an alteration of a transcription profile of the gene encoding the ASAP protein comprising at least the steps of: a) a first step of obtaining a total RNA from a biological sample, b) a second step of bringing said RNA into contact with a probe, labeled beforehand, under conditions for hybridization between the RNAs and the probe and c) a third step of detecting the hybrids formed;

Group XIII, claim(s) 51-52 and 54, drawn to a method of diagnosing a genetic disease associated with disturbances in mitotic spindle organization or cell division anomalies or both, which comprises probing for said states or diseases or both with a polynucleotide;

Group XIV, claim(s) 55 and 57, drawn to a method for evaluating, *in vitro*, a proliferative capacity or aggressiveness of cancer cells, comprising: a) a first step comprising treating cells for making the intracellular medium accessible, b) a second step comprising bringing said intracellular medium thus obtained into contact with an

antibody, c) a third step comprising the ASAP protein-antibody complex formed, and d) a fourth step comprising evaluating the level of transcription of the gene by comparison of the level of ASAP protein-antibody complexes formed with that of a control biological sample selected beforehand; and

Group XV, claim(s) 56 and 58, drawn to a method of screening for a substance capable of modulating the activity of the protein: a) in a first step, cells of a biological sample expressing a protein, are brought into contact with a substance to be tested, b) in a second step, the effect of said substance on mitotic spindle organization or the induction of aberrant and abortive mitoses is measured, and c) in a third step, substances capable of modulating said activity are selected.

Restriction is said to be justified under PCT Rules 13.1 and 13.2 inasmuch as the Examiner opines that:

> The technical feature linking Groups 1-XV appears to be that they all relate to an ASAP polypeptide.
>
> However, WO 02/070539 (cited in the IDS filed June 24, 2005) discloses ASAP polypeptides. See page 4 of the Requirement.

Thus, the Examiner concludes that the "special technical feature" of the claims of Groups I-XV does not define a contribution over the prior art and so does not satisfy PCT Rule 13.2, and, hence, not PCT Rule 13.1, either.

However, the Examiner has not shown how WO 02/070539 causes PCT Rules 13.1 and 13.2 to be unsatisfied. Specifically, there is no showing as to how WO 02/070539 renders the claimed subject matter to not be a "contribution over the prior art."

Hence, the requirement is believed to be improper and should be withdrawn.

Separately, it is urged that claims 38 and 57 be rejoined to the claims of provisionally elected Group XV.

Notably, the claims of Group XV are directed to a method for screening compounds capable of modulating the activity of the ASAP protein that uses cells expressing the ASAP protein. The ASAP protein corresponds to SEQ ID No:1 (human ASAP protein) and homologous sequences including the murine ASAP (SEQ ID No: 46).

Claim 38 is directed to the proteins SEQ ID No: 1 and SEQ ID No. 46, which are used in the method of claim 56.

Favorable consideration of the above is earnestly solicited.

SUPPORT FOR NEW CLAIMS

New Claims 60 and 61 are supported, in particular, by Example 4 (page 41, lines 2-12; page 43, lines 25-27; page 43, line 29; page 44, line 9).

CONCLUSION

In light of the above, Applicants believe that this application is now in condition for examination on the merits, and that all identified aspects of the present invention should be examined without further delay. At the very least, the above-requested rejoinder is deemed proper. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

In the event any variance exists between the amount of fees paid upon filing this

document and the Patent Office charges for filing this document, including any fees required under 35 CFR 1.136 for any necessary extension of time to make the filing of this document timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR 1.136 for the necessary extension of time.

Respectfully submitted,

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April 2, 2007
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